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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1731 OF 2007

The Officer Incharge,
Military Young Stock Farm,
Manjri, Pune. ... Petitioner

V/s

General Secretary,
Young Stock Farm Workers' Union & anr. ... Respondents

Mr. Kunar Choudhary with Vinod Joshi for the petitioner.

Ms. Neeta Karnik for the respondent No.1.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 25TH JULY, 2007.

P.C.:

1. The petitioner challenges the award of the Labour Court in Reference (IDA) No. 455 of 2000. This award is dated 29.3.2003. The award has already been published.

2. The petitioner states that the award of the Labour Court is an ex-parte award and they had no knowledge that the reference was pending adjudication. It is submitted that, after the award, the petitioner approached the District Government Pleader in order to take steps to challenge the ex-parte award. According to the learned advocate for the petitioner, after the

award was passed, several letters were written to the respondent but no action was taken. It was only when the matter was referred to the Law Ministry that it decided to file the petition. This petition has been filed on 22.12.2006. No action was taken by the petitioner to move this Court for admission and stay of the award.

3. Besides the statement that the petitioner had moved the District Government Pleader to take steps to challenge the award, there is no other explanation as to why there has been an inordinate delay of three years in filing the present petition. Apart from this, the petitioners were served with the notice of the reference and the reference was adjourned from time to time to enable the petitioners to file their written statement. Nobody remained present before the Labour Court although the reference was pending for almost three years.

4. The learned advocate for the respondent workman brings to my notice the order of the original petition i.e. W.P. 1489 of 2005. This writ petition was filed by the respondent workman against the petitioner since there was no recovery made by the Collector of the amount of back wages payable under the award. Even when that petition was heard, the petitioners chose to remain

absent, though served. It is obvious that the petitioner has decided to take the orders passed by various Courts very lightly.

5. The learned advocate for the petitioners submits that the petitioner is not an "industry" and such an issue ought to have been framed by the Labour Court before deciding the reference. The Labour Court is expected to frame such an issue only when a written statement has been filed by the employer contesting its status or description as an "industry". In the present case, no such written statement was on record.

6. Apart from this, in the writ petition filed by the respondent No.1 in 2005, the petitioner moved a civil application for certain relief in the year 2006. Even at that stage, the petitioner did not think it necessary to file a writ petition challenging the award. The civil application was moved on 5.5.2006 and the present petition has been filed on 22.12.2006, almost seven months after filing of the civil application. The civil application has not been moved and is pending.

7. No case has been made out by the petitioners for interference with the award which has been published in 2003.

8. Petition rejected.

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